REMARKS

The Office Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance. Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 31-37 are in the present application. It is submitted that the claims, as originally presented, were patentably distinct over the prior art cited by the Examiner and are in full compliance with the requirements of 35 U.S.C. § 112. The new claims, as presented herein, are not submitted for the purpose of patentability within the meaning of 35 U.S.C. sections 101, 102, 103 or 112. Rather, these claims are submitted simply for clarification and to round out the scope of protection to which Applicants are entitled. Claims 1-30 are canceled.

Claims 1, 5-8, and 10-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoogenboom (U.S. Patent 5,517,250) in view of Yonemitsu et al. (U.S. Patent 5,461,420). The previous claims have been canceled and new claims 31-37 are submitted. These claims more closely correspond with the description of the invention provided on page 7 of the specification and shown in Figure 6.

The present claims recite "said encoding means generating said picture order information based on the fields counted in said counting means; said picture order information including a presentation time stamp count and a decoding time stamp count." (Claim 31; Claim 37 contains similar limitations) As shown in Figure 6, the present invention uses field counter 102 to count the fields in the input video data prior to encoding and these counts are used by the encoding means to generate the picture order information (i.e. DTS_count and PTS_count). This count

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information is then used by the packetizer to packetize the encoded data and generate time stamps without a delay. By contrast, in prior art systems, the packetizer must process all frames in a GOP before packetizing the data. This requires the frames to be buffered which results in a time delay. (see Specification page 6) Hence, one advantage of the present invention is to eliminate the delay in packetizing the data by performing the field counting before the packetizer. (see Specification page 7)

The Examiner concedes that Hoogenboom fails to disclose an analogous counting means and instead relies upon Yonemitsu to meet these limitations. (Office Action pp. 2-3) However, Yonemitsu discloses "the 2-3 pull-down detection circuit 102 detects a duplicated field in the coder input signal VI, it generates a field mode change signal FMC, which it sends to the rate conversion circuit." (Column 5, lines 49-52; Figure 3) Hence, Yonemitsu's detection circuit detects duplicate fields and sends a field mode change signal. By contrast, the present invention counts all of the fields (not just duplicate fields) and sends "a presentation time stamp count and a decoding time stamp count." Moreover, Yonemitsu uses the detected duplicate fields in performing the rate conversion; whereas the present invention uses the count to generate time stamps. In addition, neither Hoogenboom nor Yonemitsu discloses providing field count information to the packetizer so that the packetizer does not have to count the fields as recited in the present claims. Further, Hoogenboom and Yonemitsu do not discuss any means for eliminating the delay in packetizing the data by performing the field counting before the packetizer as required in the present invention.

Accordingly, for at least these reasons, Hoogenboom and Yonemitsu fails to obviate the present invention and the new claims should be allowed.

Claims 2-4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over

Hoogenboom in view of Yonemitsu and Azadegan (U.S. Patent 5,612,900). Claim 9 was

rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoogenboom in view of

Yonemitsu and Cismas (U.S. Patent 5,646,693). Claims 27-30 were rejected under 35 U.S.C. §

103(a) as being unpatentable over Hoogenboom in view of Yonemitsu and Kimura (U.S. Patent

5,568,165). For the reasons discussed above and because these claims have now been canceled,
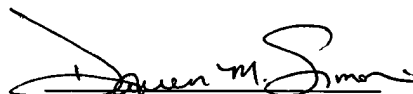
these rejections are moot.

In view of the foregoing amendment and remarks, it is respectfully submitted that the

application as now presented is in condition for allowance. Early and favorable reconsideration

of the application are respectfully requested.

No additional fees are deemed to be required for the filing of this amendment, but if such

are, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment

associated with the above-identified application to Deposit Account No. 50-0320.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,
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